THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 11264,11265,11558
and
11567 of 2004

Date: 22-06-2006

W.P.No.11264 of 2004

Between:

V.Mohan Kumar Varma

..... PETITIONER

AND

The Managing Director,
APSRTC, Musheerabad,
Hyderabad and two others.

....RESPONDENT

W.P.No.11265 of 2004

Between:

Paladugu Venkateswara Rao

..... PETITIONER

AND

The Managing Director,
APSRTC, Musheerabad,
Hyderabad and two others.

....RESPONDENT

W.P.No.11558 of 2004

Between:

Ch.Venkateswarlu

..... PETITIONER

AND

The Managing Director,
APSRTC, Musheerabad,
Hyderabad and two others.

....RESPONDENT

W.P.No.11567 of 2004

Between:

Ch.Pushpavathi

..... PETITIONER

AND

The Managing Direcotr,
APSRTC, Musheerabad,
Hyderabad and two others.

....RESPONDENT

HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 11264,11265,11558 and 11567 of 2004

C O M M O N O R D E R:

Since common questions of fact and law are involved, these writ petitions are heard together and decided by this common order.

The petitioners in all these writ petitions are the owners of Hi Tech Model buses, which were hired to the Andhra Pradesh State Road Transport Corporation.

The agreements initially entered into with the respondents had expired in February, 2005 and even much prior to that the respondent-Corporation addressed letters to the petitioners to make available the Hi Tech buses for the next turn with certain specifications. Basing on the same, the petitioners have purchased the new chasses and got the vehicles ready as per the specifications. In the meanwhile, the Corporation addressed another letter asking the petitioners to provide air suspension fitment. The petitioners immediately gave a reply stating that the vehicles were already made ready with the specifications as mentioned in the earlier letters, and therefore, it is not possible to

provide air suspension fitment. Accordingly the Corporation was requested to utilize the vehicles already procured.

Admittedly without raising any further objection, the Corporation entered into fresh agreements with the petitioners in May, 2004 for a period of three years subject to further extension. However, subsequently by order dated
09-06-2004, the petitioners were asked to stop the vehicles from operating on the ground that they failed to provide the air suspension. Questioning the same, these writ petitions are filed.

This Court, while directing Rule nisi, granted interim suspension of the impugned orders and subsequently, the same was made absolute. Consequently, the buses belonging to the petitioners are being operated by the Corporation, as on today, though the air suspension fitment has not been provided. However, nothing has been placed before this Court to show that there are any complaints with regard to utility of the buses in question on the ground of absence of air suspension fitment.

Admittedly, the agreements executed in May, 2004 did not contain the condition for fixation of air suspension fitment.

Having regard to the facts and circumstances of the case, particularly keeping in view the fact that the substantive part of the period of agreements is over and the agreements have almost come to an end, I am of the opinion that the interest of justice would be met by allowing the petitioners to operate the vehicles till the expiry of the period of agreements.

Accordingly, the impugned orders are set aside and the writ petitions are disposed of granting liberty to the Corporation to impose such a condition in case any fresh agreements are entered into with the petitioners. No costs.

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G.ROHINI,J

Dated:22-06-2006

KLP